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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,572	12/17/2001	Joey Chow	123081-339723	6250

27155 7590 03/18/2005	EXAMINER
MCCARTHY TETRAULT LLP	NGUYEN, CINDY

	ART UNIT	PAPER NUMBER
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DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/015,572</td><td>Applicant(s)
CHOW ET AL.</td><td></td></tr>
<tr><td>Examiner
Cindy Nguyen</td><td>Art Unit
2171</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 November 2004_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-11 and 13-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-11 and 13-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _17 December 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
   since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
   37 CFR 1.78.
   a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
   reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____.
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.   6)☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

11/26/04 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. Claim 19 recited "determining which one of said

from said second datasource has fewer transmission errors" was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed

invention. Correction is appreciated required.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claim 13, it is unclear to person in the art, what it means "gathering information relating to **health** of said first datasources"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by VanDervort et al. (U.S 5761191) (VanDervort).

Regarding claim 1, VanDervort discloses: A source selection system in a communication switch for routing data flow amongst data flow paths, each carrying redundant data in parallel, said system comprising:

A first and a second communication modules, each communication module (col. 8, lines 24-44, VanDervort) providing

A route for one path for said data flow through one of said data paths through a first datasource communicating with a second datasource (col. 10, lines 47-66, VanDervort).

A communication link between said first datasource to said second datasource of the other communication modules to provide an alternate route for said data flow(col. 9, lines 5-11, VanDervort);

a validation module (112, fig. 7) associated with said second datasource adapted to monitor first datasource for transmission and adapted to provide information relating to said transmission errors (col. 13, lines 40-64, VanDervort).

a source selector associated with said first datasource, said source selector adapted to select an output datasource form first datasources(col. 13, lines 65 to col. 14, lines 7, VanDervort); and

an assessment module (60, fig. 7) associated with said validation module (CRC) adapted to identify said output datasource from said first datasources utilizing said information provided by said validation module and adapted to cause said source selector to select said output datasource (col. 13, lines 40-64, VanDervort).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of claim 1 above. It is therefore rejected as set forth above.

Regarding claim 2, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, VanDervort discloses: wherein said validation module comprises a plurality of validation sub-modules, each one of said plurality of validation sub-modules associated with one of said plurality of datasources (col. 13, lines 40-64, VanDervort).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 11 above. In addition, VanDervort discloses: further comprising the step of gathering information relating to health of said firsts datasource (col. 13, lines 40-64, VanDervort).

Regarding claims 3 and 14, all the limitations of these claims have been noted in the rejection of claims 2 and 13 above. In addition, VanDervort discloses: wherein said validation module performs an integrity check on data transmitted by said each datasource to provide information relating to transmission errors for said each datasource (col. 13, lines 40-64, VanDervort).

Regarding claims 4 and 15, all the limitations of these claims have been noted in the rejection of claims 3 and 14 above. In addition, VanDervort discloses: wherein said assessment module evaluates severity of said transmission errors provided in said information and causes said source selector to select said output datasource associated with said primary datasource based on said severity of said transmission errors for said each of said plurality of datasources (col. 13, lines 40-64, VanDervort).

Regarding claims 5 and 16, all the limitations of these claims have been noted in the rejection of claims 4 and 15 above. In addition, VanDervort discloses: wherein said integrity check on said data. comprises a parity check and a cyclic redundancy check (col. 13, lines 40-64, VanDervort).

Regarding claims 6 and 17, all the limitations of these claims have been noted in

the rejection of claims 5 and 16 above. In addition, VanDervort discloses: wherein said

integrity check is performed on a payload portion of said data (col. 13, lines 40-64,

VanDervort).

Regarding claims 7 and 18, all the limitations of these claims have been noted in

the rejection of claims 6 and 17 above. In addition, VanDervort discloses: wherein said

integrity check is performed on a header portion of said data (HEC, col. 13, lines 40-64,

VanDervort).

Regarding claim 8, all the limitations of this claim have been noted in the

rejection of claim 7 above. In addition, VanDervort discloses: wherein said

communication switch further comprises a plurality of output cards and an input card,

said first and second data flow paths originating from one of said plurality of output

cards and said source selector operating at input to said input card (col. 13, lines 11-25,

and col. 13, lines 65 to col. 14, lines 8, VanDervort).

Regarding claim 9, all the limitations of this claim have been noted in the

rejection of claim 8 above. In addition, VanDervort discloses: wherein at least one of

said output cards comprises a component and said integrity check is performed upon

said data being received by said component in said at least one of said output cards of

said communication switch (col. 13, lines 65 to col. 14, lines 8, VanDervort).

Regarding claim 10, all the limitations of this claim have been noted in the

rejection of claim 9 above. In addition, VanDervort discloses: wherein said source

selector is a multiplexer (col. 9, lines 6-16, VanDervort).

Regarding claim 19, all the limitations of this claim have been noted in the

rejection of claim 18 above. In addition, VanDervort discloses: wherein: for each of said

first and second communication paths: its data flow path extends from it second

datasource through a third datasource (col. 13, lines 11-25, VanDervort); a second

communication link connects its second datasource to the third datasource of the other

communication module to provide second alternate route for said data flow (col. 9, lines

5-17, VanDervort); its second datasource is monitored for transmission errors; and said

data flow is routable from one of said second datasources in one communication path to

the third datasource of the other communication path after determining which one of

said from said second datasource has fewer transmission errors (col. 13, lines 40-64,

VanDervort).

Regarding claim 20, all the limitations of this claim have been noted in the

rejection of claims 11 and 19 above. It is therefore rejected as set forth above. a

validation module (112, fig. 7) associated with said second datasource adapted to

monitor first datasource for transmission and adapted to provide information relating to

said transmission errors (col. 13, lines 40-64, VanDervort).

A second source selector associated with said first datasource, said source

selector adapted to select an output datasource form first datasources(col. 13, lines 65

to col. 14, lines 7, VanDervort); and

an assessment module (112, fig. 7) associated with said validation module

(CRC) adapted to identify said output datasource from said first datasources utilizing

said information provided by said validation module and adapted to cause said source

selector to select said output datasource (col. 13, lines 40-64, VanDervort).

1.   Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Larsson et al. (U.S 6201811). Transferring identifier information in a

telecommunications system.

Sederlund et al. (U.S 5568615). Stealth interface for process control computers.

Van Huben et al. (U.S 5950201). Computerized design automation method

using a single logical PFVL paradigm.

2.   *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 7571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cindy Nguyen
March 15, 2005

FRANTZ COBY
PRIMARY EXAMINER